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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,898	02/02/2000	Rod Stambaugh	032397-009	5435
35437	7590	03/14/2006		EXAMINER
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO 666 THIRD AVENUE NEW YORK, NY 10017			SHERR, CRISTINA O	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/495,898	STAMBAUGH, ROD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cristina Owen Sherr	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 December 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4,6-8,10,12,14-17,20-24,26-30 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-2, 4, 6-8, 10, 12, 14-17, 20-24, 26-30, and 35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is in response to the applicant's amendment filed December 2, 2005. Claims 1, 17, and 30 have been amended. Claims 3, 5, 9, 11, 13, 18, 19, 25, and 31-34 have been canceled. Claims 1-2, 4, 6-8, 10, 12, 14-17, 20-24, 26-30, and 35 are pending in this case.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 2, 2005 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-2, 4, 6-8, 10, 12, 14-17, 20-24, 26-30, and 35 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-2, 4, 12,14-17, 20-21, 27-30, 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Pare, Jr. et al (US 5,870,723).

6. Regarding claims 1, 30, and 35 –

Pare discloses a method of transaction processing, comprising: transaction communication of transaction information with a first server is delayed; communication of the transaction information with the first server occurs during the transaction accessing a wireless communications network and sending first transaction information for a transaction from the transaction terminal across the communications network; receiving and processing the first transaction information at the first a server storing at least a portion of the first transaction information, the fast server sending second transaction information based on the first transaction information to a transaction processor (e.g. col 23, ln 16-27, col 58 ln 26-30, fig 1).

7. While Pare does not specifically refer to two (2) modes of transaction where one mode is delayed and the other is not, it would be obvious that this is what is happening when Pare switches between having only one SNM validating packets (no delay) and having several packets validating packets (delay). (see, e.g. col 48 ln 40-63).

8. Regarding claim 2 –

Pare discloses the method of claim 1, wherein in the first mode of operation, transaction process replies for use during a transaction are downloaded to the transaction terminal prior to the transaction and/or in the, second mode of operation transaction process replies for use during a transaction are communicated to the transaction terminal during the transaction (e.g. col 58 ln26-30).

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9. Regarding claim 4 –

Pare discloses the method of Claim 1, wherein the first server controls information stored on the transaction terminal (e.g. col 58 ln 30).

10. Regarding claim 12 –

Pare discloses the method of Claim 1, further comprising generating a report of transaction information from one or more transactions conducted on the transaction terminal, wherein the report is accessible via the Internet (e.g. col 42 ln 6-14).

11. Regarding claim 14 –

Pare discloses a method for transaction processing comprising: a server receiving an action from a customer remotely communicating with the server via the Internet, the action for application on a wireless transaction terminal in communication with the server; and the server communicating the action to the transaction terminal to apply the action thereto (e.g. col 42 ln 6-14, col 11 ln 22-26).

12. It is obvious that communications may occur between back and forth between a wireless or integrated point of sale, a server and a networked computer, whether by way of Internet or any other network.

13. Regarding claim 15 –

Pare discloses the method of claim 14, wherein the desired action is terminal activation or deactivation (e.g. col 42 ln 6-14).

14. Regarding claim 16 –

Pare discloses the method of Claim 14, wherein the desired action is terminal diagnostics (e.g. col 42 ln 6-14).

15. Regarding claim 17 –

Pare discloses a transaction processing network, comprising: a server; a plurality of wireless transaction terminals, each transaction terminals in at least one of a first mode and a second mode, wherein in the first mode of operation, during a transaction, communication of transaction information with the server is delayed and wherein during the second mode communication of the transaction information with the server occurs during the transaction; a first network segment linking one or more of the wireless transaction terminals to the server, wherein all or a portion of transaction information received from each transaction conducted on each of one or more transaction terminals is stored and made accessible via the Internet; and a second network segment linking the server to one or more further destinations, wherein at least one of the further destinations comprise a transaction processor for obtaining transaction approvals (e.g. col 23, ln 16-27, col 58 ln26-30, fig 1).

16. As above, while Pare does not specifically refer to two (2) modes of transaction where one mode is delayed and the other is not, it would be obvious that this is what is happening when Pare switches between having only one SNM validating packets (no delay) and having several packets validating packets (delay). (see, e.g. col 48 ln 40-63).

17. Regarding claim 20 –

Pare discloses the apparatus of Claim 17, wherein the server controls the operation of one or more of the transaction terminals (e.g. col 58 ln 30).

18. Regarding claim 21 –

Pare discloses the apparatus of Claim 20, wherein the operation comprises deactivation or activation of the transaction terminal (e.g. col 58 ln 62-63).

19. Regarding claim 27 –

Pare discloses the method according to claim 1, further comprising the server receiving transaction approval information from the transaction processor and then forwarding all or a portion of the transaction approval information to the transaction terminal (e.g. col 58 ln 29-30).

20. Regarding claim 28 –

Pare discloses the method according to claim 27, wherein the approval information comprises at least one of a credit approval, a credit denial, an approval code, a reference code, credit account information and an amount for the transaction (e.g. col 58 ln 30).

21. Regarding claim 29 –

Pare discloses the method according to claim 14, wherein the desired action is changing information stored on the transaction terminal (e.g. col 58 ln 29-30).

Claims 6-8, 10, 22-24, 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Pare, Jr. et al (US 5,870,723) in view of Katseff et al (US 6,075,796).

22. Regarding claims 6-8, 10, 22-24, 26 –

Pare does not explicitly disclose that (a) the first transaction information is transported using a first protocol/format and the second transaction information is transported using a second different protocol/format, wherein the first protocol has lower overhead than the second protocol or the first format is more compact than the second format, (b) the

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server reformats the transaction information from the first format to the second format, and (c) the server stores locally information about various transaction terminals and uses this information to reformat the transaction information from the first format to the second format. However, Katseff teaches the use of these features "to minimize latency and to improve efficiency and quality of packet transmission in applications including Internet telephony." (e.g., col. 1, lines 8-13; col. 2, lines 19-56; and col. 6) Thus, it would have been obvious to one of ordinary skill in the art to modify the method of Pare by adopting the teaching of Katseff "to minimize latency and to improve efficiency and quality of packet transmission" for the claimed method.

23. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

25. Reber et al. (US PAT. 5,903,767) discloses transaction methods, system, and devices using a first and second data.

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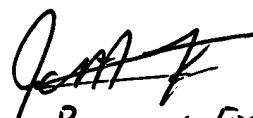
26. Kolling et al (US PAT. 5,920,847) discloses electronic bill payment system using PC, telephone keypad, screen telephone or PDA.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cos  
02/23/06



Primary Examiner  
AU 3621